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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,112	10/19/2001	Jeffrey A. Gariepy	Q01-1037	2878

7590 07/21/2003

Robert A Saltzberg  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105

EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 07/21/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/029,112

Applicant(s)

GARIEPY ET AL.

Examiner

William J. Klimowicz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 19 October 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***DETAILED ACTION***

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Numasaki (US 5,001,582).

As per claims 1 and 14, Numasaki (US 5,001,582) discloses a transport assembly for moving a first cartridge (10) and a second cartridge (another of 10) between a storage rack (13) and a recording/reproducing media drive (3), the recording/reproducing media drive including a cartridge receiver (79), the transport assembly (14) comprising: a transporter (58) including a first transport receiver (71) adapted to receive the first cartridge (10) and a second transport receiver (72) adapted to receive the second cartridge (second 10); and a transport mover (e.g., including structure for moving, rotating (14)) for moving the transporter relative to the storage rack (13) and the recording/reproducing media drive.

As per claims 2, 14, further including a cartridge mover (e.g., see FIG. 11A, the structure that pulls the cartridge into and out of (71) and/or including (12)) that moves the first cartridge (10) between the storage rack (13) and the first transport receiver (71).

As per claim 3, wherein the cartridge mover includes a first gripper assembly.

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As per claim 4, wherein the cartridge mover includes a first gripper mover (structure associated for moving gripper 84a as seen in FIG. 11A) for moving the first gripper assembly (84a) in a first direction relative to one of the cartridges (10).

As per claim 5, wherein the cartridge mover includes a second gripper mover (e.g., (53), (55), (56), (51)) for moving the gripper assembly (84a) in second direction relative to one of the cartridges (10) that is substantially perpendicular to the first direction.

As per claim 6, wherein the cartridge mover includes a second gripper assembly (84a - see FIG. 11C).

As per claim 7, wherein the cartridge mover includes a pass-through assembly (12).

As per claim 8, further including a guide (e.g., (48)) that extends substantially between the storage rack (13) and the recording/reproducing media drive (3); wherein the transport mover moves the transporter between the storage rack (13) and the recording/reproducing media drive (3) along the guide (48).

As per claim 9, wherein the transport mover (e.g., including structure for moving (14)) moves the transporter (58) between the storage rack (13) and the recording/reproducing media drive (3).

As per claim 10, wherein the transport mover (e.g., including structure for moving (14)) moves the transporter (58) side-to-side to alternately position each of the transport receivers near the cartridge receiver of the recording/reproducing media drive (e.g., cf. FIGS. 18B 18C).

As per claim 11, wherein the transporter (58) has an axis of rotation (about shaft (60)), and wherein the transport mover rotates the transporter around the axis of rotation (COL. 5, lines 54-57).

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As per claim 12, a storage system (4) includes the storage rack (13), the recording/reproducing media drive (3) and the transport assembly of claim 1 that is positioned near the storage rack (13) and the recording/reproducing media drive (3).

As per claim 13, wherein the storage rack (13) includes a plurality of recording/reproducing media receivers (17) and a transporter sensor (20), the transporter sensor (20) sensing when the transporter is positioned near the desired recording/reproducing media receiver (17).

Additionally, as per claim 14, a system housing (4) is provided.

As per claim 15, wherein the transport mover (e.g., including structure for moving, rotating (14)) moves the transporter long an X axis (e.g., assembly which moves to grip cartridge), and along a Y axis (to move between rack and drive (4)).

As per claim 16, wherein the transport mover rotates the transporter about a Z axis (parallel to the X-axis).

As per claim 17, Numasaki (US 5,001,582) discloses a method for transporting a first cartridge (10) and a second cartridge (10) between a storage rack (13) and a drive (3), the method comprising the steps of: providing a transporter including a first transport receiver (71) and a second transport receiver (72), each transport receiver (71, 72) being adapted to receive one of the cartridges (10); transferring the first cartridge (10) into the first transport receiver (FIG. 18A); positioning the second transport receiver (72) near the drive (3) (FIG. 18B); transferring the second cartridge (lower 10 as seen in FIG. 18B) from the drive (3) to the second transport receiver (72); positioning the first transport receiver (71) near the drive (3) (FIG. 18C); and

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transferring the first cartridge (upper 10) from the first transport receiver (71) into the drive (3) (FIG. 18D).

As per claim 18, further comprising the steps of (i) positioning the transporter (58) near the storage rack (13), and (ii) transferring the second cartridge from the second transport receiver (72) into the storage rack (13) - this occurs when the steps of FIGS. 18A-18E are recycled.

As per claim 19, further comprising the steps of (i) transferring a third cartridge into the second transport receiver (72), and (ii) positioning the transporter (58) near the drive (3) in preparation for transferring the first cartridge from the drive to the first transport receiver (71) - this occurs when the steps of FIGS. 18A-18E are recycled.

As per claim 20, Numasaki (US 5,001,582) discloses a method for moving a first cartridge (lower (10)) from a drive (3) to a storage rack (13) and for moving a second cartridge (upper (10)) from the storage rack (13) to the drive (3), comprising the steps of: providing a transporter (58) having a first transport receiver (72) and a second transport receiver (71), each transport receiver (71, 72) being adapted to separately receive one of the cartridges (10); translating and positioning the transporter adjacent a receiver (17) of the storage rack (13) so that the second transport receiver (71) is aligned to receive the second cartridge (upper 10) (FIG. 18A); transferring the second cartridge (upper 10) from the storage rack (13) to the second transport receiver (71) - FIG. 18A; translating and positioning the transporter (58) adjacent to a cartridge receiver (79) of the drive (3) to receive the first cartridge (lower 10) - FIG. 18B; transferring the first cartridge (lower 10) from the cartridge receiver (79) to the first transport receiver (72) - FIG. 18B; laterally shifting the position of the transporter (58) so that the second transport receiver (71) becomes aligned with the cartridge receiver (79) of the drive (3) - FIG.

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18C; and transferring the second cartridge (upper 10) from the second transport receiver (71) to the cartridge receiver (79) of the drive (3).

With regard to claims 1, 14, 17 and 21, although Numasaki (US 5,001,582) does not expressly show the library and transport assembly as utilizing tape cartridges (single reel magnetic tape as per claim 21), in lieu of optical media in cartridges, Official notice is taken that tape cartridges (single reel magnetic tape) used in libraries inclusive of racks and recording/reproducing media drives are notoriously old and well known in the art, capable of instant demonstration.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the library of Numasaki (US 5,001,582) as utilizing tape in lieu of discs, as is well known in the library storage art.

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the library of Numasaki (US 5,001,582) as utilizing tape in lieu of discs, as is well known in the library storage art, since tape and discs are art recognized equivalents (in terms of storage and retrieval of information data on portable storage media) and further it would be advantageous to provide tape media (in lieu of discs) and their associated tape drives, since tape allows for a greater capacity per cartridge, than disc media, as is well known, established and appreciated in the art.

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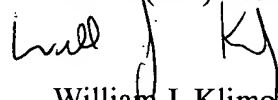
*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

  
William J. Klimowicz  
Primary Examiner  
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WJK  
July 18, 2003